



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

DEC 05 2011

Ms. Cicely A. Muldoon, Superintendent  
National Park Service  
Point Reyes National Seashore  
1 Bear Valley Road  
Point Reyes Station, California 94956

Subject: Draft Environmental Impact Statement for the Drakes Bay Oyster Company Special Use Permit in Point Reyes National Seashore, Marin County, California (CEQ#20110328)

Dear Ms. Muldoon:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the above action. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Draft EIS analyzes four alternatives for issuance of a special-use permit for a commercial oyster operation in Drakes Estero in Point Reyes National Seashore. The intent of the EIS is to assist the National Park Service (NPS) in evaluating the environmental impacts of considering expiration or issuance of the special-permit. NPS has not identified a preferred alternative. EPA has rated all the alternatives in the Draft EIS as Lack of Objections (LO) (see enclosed "*Summary of Rating Definitions*").

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one hard copy and one CD to the address above (mail code: CED-2). Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Stephanie Skophammer, the lead reviewer for the project. Stephanie can be reached at (415) 972-3098 or [skophammer.stephanie@epa.gov](mailto:skophammer.stephanie@epa.gov).

Sincerely,

A handwritten signature in black ink, which appears to read "Kathleen Martyn Goforth", is written over a horizontal line.

Kathleen Martyn Goforth, Manager  
Environmental Review Office  
Communities and Ecosystems Division

Enclosures: Summary of Rating Definitions

Cc: Brannon Ketcham, Point Reyes National Seashore  
Melissa Stedeford, Project Manager

Kirsten Ramey, CA Dept of Fish and Game, via email  
Bryan Matsumoto, US Army Corp of Engineers via email  
Diane Windham, National Marine Fisheries Service via email

## **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

### **ENVIRONMENTAL IMPACT OF THE ACTION**

#### ***"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### ***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### ***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### ***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### **ADEQUACY OF THE IMPACT STATEMENT**

#### ***"Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### ***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### ***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

